IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT APPEAL NO : 686 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 22/12/2003 in WP NO : 26267 OF 2003 on the file of the High Court.)

Between:

C.Mallesh Rao S/o Sri Narsimha
H.No.1-1-17/8/A, RTC X Roads Hyderabad-20

..... APPELLANT

AND

1 The Collector (LA) Rangareddy District
Lakidikapool, Hyd
2 The Land Acquistition officer and Speical Dy. Collector (LA)
International Airport, Samshabad

.....RESPONDENTS

Counsel for the Appellant: MR.D.GOVARDHANACHARY

Counsel for the Respondents: MR.N.SUBBA REDDY

The Court made the following :

-

-

-

-

-

-

-

-

-

JUDGMENT: (Per the Hon'ble Sri Justice B.Sudershan Reddy)

The unsuccessful petitioner in W.P.No.26267 of 2003 preferred this writ appeal, challenging the correctness of the order dated 22-12-2003 passed by the learned single Judge of this Court, dismissing the writ petition. The appellant herein filed the writ petition seeking a writ of mandamus to declare the impugned award, dated 21-11-2002, passed by the second respondent-Land Acquisition Officer and Special Deputy Collector (Land Acquisition), International Airport, Shamshabad, as illegal and unjust and contrary to the provisions of the Land Acquisition Act, 1894 (for short 'the Act'), and award No.B/792/2000-2 dated 17-6-2002, with regard to market value of the land denying statutory benefits on horticulture, trees and reduction o f 6% solvage on structures, was illegal. The appellant accordingly prayed for issuance of a consequential direction directing the respondents to pay the land cost at Rs.4,00,000/- per acre and to include the value of the structures like borewells, pipelines etc.

Shorn of all the details, the appellant sought for a Writ of Mandamus directing the respondents to pass award in terms of the claim statement, dated 23-11-2001, and for all other statutory benefits.

It is unnecessary to notice the facts in detail. The fact remains that the Land Acquisition Officer passed award under Section 11 of the Land Acquisition Act, 1894 on 21-11-2002, fixing the market value of the acquired land at Rs.80,000/- per acre, for which the appellant has not agreed and refused to receive the same. It is brought to our notice that the appellant immediately after passing of the award sought for a

reference under Section 18 of the Act for proper determination of the market value of the acquired land, structures, trees, plants etc., and the reference is stated to have already been made to the Civil Court for proper determination of the market value of the acquired property. It is for that reason, the learned single Judge dismissed the writ petition and accordingly refused to issue any Mandamus as prayed for by the appellant.

We do not find any legal infirmity in the order passed by the learned single Judge requiring our interference in exercise of our appellate jurisdiction. The appellant cannot be permitted to pursue two parallel remedies. Interest of justice would be met by directing the Principal District Judge, Ranga Reddy District to dispose of L.A.O.P.No.480 of 2003 as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order. The learned Judge shall dispose of the L.A.O.P., on its own merits uninfluenced by the observations, if any, made by the learned single Judge while disposing of the writ petition filed by the appellant, and as well as the observations, if any, made in this order.

The Writ Appeal is accordingly disposed of, without any order as to costs.

(B.SUDERSHAN REDDY. J)

(GHULAM MOHAMMED, J)

3rd December, 2004

LUR/GRR

Copy to:

1 The Collector (LA) Rangareddy District
Lakidikapool, Hyd
2 The Land Acquistition officer and Speical Dy. Collector (LA)
International Airport, Samshabad

3 Two CD copies.